

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Eric Henry Baller, <i>et al.</i>)
)
Application No.:	10/028,126) Art Unit
) 2157
Filed:	December 20, 2001)
)
Confirmation No.:	2357)
)
For:	METHOD AND APPARATUS FOR MANAGING)
	INTELLIGENT ASSETS IN A DISTRIBUTED)
	ENVIRONMENT)
)
Examiner:	Moustafa MEKY)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed December 15, 2006, Applicants provisionally elect Group II, claims 22–31, drawn to a method of communicating between a server and an asset, with traverse.

Applicants respectfully assert that the restriction is not proper. The Office Action asserts that claims 1–18, 20, and 21 are directed to computer-to-computer framing, and claims 22–31 are directed to client/server. Applicants respectfully disagree. Furthermore, the arguments in paragraph A address an election of species, which are not relevant to the pending restriction

requirement. And Paragraphs B–D are conclusory statements, which do not support the reasoning for a restriction.

Applicants point out that claims 1–9 are drawn to an apparatus for connecting a remote machine to a central system by way of a public network; claims 10–16 are drawn to an apparatus for connecting a remote machine to a central system; claims 17–18 are drawn to an apparatus for connecting a remote machine to a central system through a firewall that prevents incoming connections to the machine; claim 20 is directed to an apparatus for connecting a remote machine to a central system through a system that establishes solely transient connections to the machine and the central system; and claim 21 is drawn to an apparatus for connecting a remote machine to a central system through a system that establishes solely transient connections to the machine and the central system.

The restriction has not established how these claims sets do not relate to a common inventive concept. A restriction is proper only if the claims are able to support separate patents and they are either independent or distinct.

It is also respectfully submitted that the subject matter of all claims 1–18 and 20–31 is sufficiently related that a through search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims, as evidenced by previous searches conducted by the Examiner. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. *See* MPEP §803 in which it is stated that “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even through it includes claims to independent or distinct inventions” (emphasis added). It is respectfully submitted that

this policy should apply in the present application to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested. In the event of any questions, the Examiner is respectfully requested to initiate a telephone conversation with the undersigned representative.

Dated this 12th day of January 2007.

Respectfully submitted,

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